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| APPLICATION NO.                                                                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/629,674                                                                        | 07/30/2003  | Johannes Menzel      | A 91755             | 6480             |
| 7590                                                                              | 02/28/2006  |                      | EXAMINER            |                  |
| Walter Ottesen<br>Patent Attorney<br>P.O. Box 4026<br>Gaithersburg, MD 20885-4026 |             |                      | BURCH, MELODY M     |                  |
|                                                                                   |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                   |             |                      | 3683                |                  |

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/629,674             | MENZEL ET AL.       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Melody M. Burch        | 3683                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 February 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-10, 12-16 and 20-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-10, 12-16 and 20-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                          |                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                          | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/06 has been entered.

### ***Drawings***

2. The drawings are objected to because figure 24 includes new matter. Examiner notes that the originally filed specification fails to provide support for the detailed work apparatus structure. To avoid new matter objections, Examiner recommends that Applicant illustrated new elements in schematic or black box form. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because it should be amended to include the limitation of the increased spring stiffness once the 112 issues regarding the limitation have been resolved. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claims 21 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 21 is dependent on cancelled claim 1. For examining purposes, Examiner has interpreted claim 21 as depending from claim 20.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 recites that the spring constant is high when the antivibration unit is under load. Examiner notes that the scope of this new claim is broader than what is supported by the original disclosure. The original disclosure only supports a higher or increased spring constant due to the contact as a function of the change in spacing or play between the spring and the base of the guide slot. This contact occurring by overcoming the spacing or play is only achieved by loads perpendicular to the axis of the spring. The metes and bounds of the "higher spring constant" recitation should be tailored so as not to extend beyond what is supported in the original disclosure.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-10, 12-16, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 20. The last four lines of claim 20 recite that the spring stiffness of the antivibration unit increases because of the at least in part contact engagement of the turns of the transition section. Examiner notes, however, that in lines 9-13 of pg. 3 of the originally filed specification Applicant describes that "more turns [of the coil spring]

come continuously into contact engagement against the guide so that the spring constant increases in correspondence to the reduction of the spacing." The claim states that the increase in spring constant results from the contact, but the specification states that the increase in spring constant results from continuous engagement or contact against the guide *as a function of a change in spacing*. Clarification is required.

Re: claim 22. The last four lines of claim 22 are indefinite. The lines recite that the spring constant of the coil spring "increases in correspondence to the increase of said third play (b) between said coil spring and said base of said helically-shaped guide slot." Examiner notes, however, that in lines 9-13 of pg. 3 of the originally filed specification Applicant describes that "more turns [of the coil spring] come continuously into contact engagement against the guide so that the spring constant increases in correspondence to the reduction of the spacing." The claim states that the increase in spring constant results from the increase in play, but the specification states that the increase in spring constant results *from continuous engagement against the guide as a function of a change in spacing*. Clarification is required. The remaining claims are indefinite due to their dependency from claim 20.

***Allowable Subject Matter***

9. Claims 2-10, 12-16, 20-22 would be allowable, as best understood, if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraph, set forth in this Office action.

***Response to Arguments***

10. Applicant's arguments, see pg. 16, filed 2/1/06, with respect to the rejection of claim 17 replaced by claim 20 have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmbr  
February 17, 2006

*Melody M. Burch*  
*Melody Burch*  
*Primary Examiner*  
*2/17/06*